

## **REMARKS**

### **1. Summary of Office Action Mailed March 25, 2010**

In the office action mailed March 25, 2010, with claims 18-22, 24-26, 28, 30-34, 36-38, 40, and 41 pending, the Examiner:

- (i) rejected claims 18, 19, 22, 24, 26, and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,463,457 (Armentrout) and U.S. Patent No. 7,134,073 (Fiedorowicz); and
- (ii) rejected claims 20, 21, 25, 30-34, 36-38, 40, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Armentrout, Fiedorowicz, and U.S. Patent No. 6,112,225 (Kraft).

### **2. The Pending Claims**

Presently pending in this application are claims 18-22, 24-26, 28, 30-34, 36-38, 40, and 41, of which claims 18 and 30 are independent. Claims 18-20 and 30-32 are amended herein.

### **3. Summary of Examiner Interview on May 4, 2010**

Applicant thanks the Examiner for providing Applicant's representative, Alan Krantz, the opportunity to discuss the rejection of claim 18 over Armentrout and Fiedorowicz. During that May 4, 2010 telephonic interview, Applicant's representative argued that the combination of Armentrout and Fiedorowicz fails to teach or suggest "enabl[ing] the MPDN server to distribute... pertinent information to one or more client systems... wherein the pertinent information includes the type of the requesting device." No agreement was reached.

### **4. Response to Rejections**

#### **a. Response to Rejection of Independent Claim 18**

Applicant respectfully traverses the Examiner's rejection of independent claim 18 under 35 U.S.C. § 103(a) for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness. At a minimum, the combination of Armentrout and Fiedorowicz fails to teach or suggest "providing to a[n] [MPDN] server pertinent information, to enable the MPDN server to distribute... the pertinent information to one or more client systems..., wherein the pertinent information includes the type of the requesting device," as recited in claim 18.

When determining whether a claim is obvious under § 103, “[t]he well established rule of law is that each prior art reference must be evaluated as an entirety, and that all of the prior art must be evaluated as a whole.” *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1094 (Fed. Cir. 1985). “[I]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” *In re Wesslau*, 353 F.2d 238, 241 (C.C.P.A. 1965). For at least the reasons provided below, Applicant respectfully submits that the combination of Armentrout and Fiedorowicz, when considered in their entirety, fails to teach or suggest Applicant’s claimed approach.

In the office action, the Examiner identified Armentrout’s CTS as allegedly corresponding to Applicant’s claimed “MPDN server,” and Fiedorowicz’s transcoder as allegedly corresponding to Applicant’s claimed “one or more client systems.” Armentrout teaches a CTS that assigns tasks based on job characteristics specified by a requesting device, and Fiedorowicz teaches a transcoder that makes a particular determination “based on the device type of the client device,” (Fiedorowicz, col. 8, lines 8-13). However, even assuming that these particular elements identified in the cited references correspond to the limitations of claim 18, this combination still fails to teach or suggest the function of “enabl[ing] [an] MPDN server to distribute... the pertinent information to one or more client systems.”

For instance, Armentrout’s CTS assigns tasks based on job characteristics specified by the requesting device, and distributes the tasks to providers, but Armentrout fails to teach or suggest that those job characteristics are distributed to the providers. Therefore, even if Armentrout taught that the job characteristics could include a “type of the requesting device,” (Fiedorowicz, col. 8, lines 8-13), which Armentrout does not teach or suggest, those job characteristics would never be provided to Fiedorowicz’s transcoder.

Further, even though Fiedorowicz’s transcoder makes the determination “based on the device type of the client device,” (Fiedorowicz, col. 8, lines 8-13), Fiedorowicz fails to teach or

suggest that any other entity (other than the client device, which the Examiner has already identified as Applicant's claimed "requesting device") distributes the device type of the client device to the transcoder. Though the entities in Fiedorowicz's system "may be distributed amongst a plurality of devices," (Fiedorowicz, col. 7, lines 28-31), again, none of those entities distribute the "device type of the client device," (Fiedorowicz, col. 8, lines 8-13).

Accordingly, the combination of Armentrout and Fiedorowicz, when those references are considered in their entirety, fails to teach or suggest "providing to a[n] [MPDN] server pertinent information, to enable the MPDN server to distribute... the pertinent information to one or more client systems..., wherein the pertinent information includes the type of the requesting device." Rather, Armentrout and Fiedorowicz teach a CTS and a transcoder that are able to perform the functions of those respective entities, but fail to teach or suggest how those entities interact to provide the recited "MPDN server" functionality. A person of ordinary skill in the art, faced with the limited teachings of Armentrout and Fiedorowicz, would thus not have reason to arrive at Applicant's claimed approach.

For at least the reasons set forth above, Applicant submits that the Office Action fails to establish a *prima facie* case of obviousness for claim 18, and requests that the rejection be withdrawn.

**b. Response to Rejection of Independent Claim 30**

Applicant respectfully traverses the Examiner's rejection of independent claim 30 under 35 U.S.C. § 103(a) for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness. At a minimum, the combination of Armentrout, Fiedorowicz, and Kraft fails to teach or suggest an "MPDN server [that] is... configured to... receive... pertinent information [and further configured to] distribute... the pertinent information to the distributed devices," wherein "the pertinent information includes a type of a requesting device," as recited in claim 30.

Armentrout and Fiedorowicz are described above in relation to the rejection of claim 18. Kraft was cited as allegedly disclosing “partition[ing] the data conversion workload into partitioned data conversion workloads” and as allegedly disclosing “distribut[ing] the partitioned data conversion workloads to the distributed devices to complete a data conversion of the data set.”

However, Applicant submits that the additional teachings of Kraft do not overcome the failure of Armentrout and Fiedorowicz to teach or suggest an “MPDN server [that] is... configured to... receive... pertinent information [and further configured to] distribute... the pertinent information to the distributed devices,” wherein “the pertinent information includes a type of a requesting device.”

For at least the reasons set forth above, Applicant submits that the Office Action fails to establish a *prima facie* case of obviousness for claim 30, and requests that the rejection be withdrawn.

**c. Response to Remaining Rejections**

Applicant submits that claims 19-22, 24-26, 28, 31-34, 36-38, 40, and 41 are allowable for at least the reason that they depend from an allowable claim.

**5. Conclusion**

Applicant respectfully submits that all of the pending claims are now in condition for allowance, and therefore requests favorable action. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at 312-913-3309.

Respectfully submitted,

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